

Errata for Agenda Item 3 for the January 31, 2007 Energy Commission Business Meeting - Electric Transmission-related Data Request

Beginning at p. 3 of Final Staff Report entitled *Forms and Instructions for Submitting Electric Transmission-related Data* (Publication no. CEC-700-2007-002-SF)

How to Apply for Confidential Designation of Submitted Data

~~So far as a TLSE can demonstrate that data it has asked to provide to the Energy Commission would, if made public, be harmful to its competitive position, the Energy Commission will honor such confidentiality. TLSEs may also base confidentiality requests on the public interest balancing test (or, that the public interest in non-disclosure of these particular data clearly outweighs the public interest in their disclosure.)~~

The Executive Director of the Energy Commission has the overall responsibility for determining what information provided to the Energy Commission is with an application for confidential designation warrants that classification and handling. This section outlines the application process and the contents of a complete application for confidential designation package. An application package must be deemed complete before the Executive Director will begin review of the submitted material and render a decision regarding the confidentiality request.

The process for requesting a confidential designation for of all or a portion of the TLSE's submitted data is described below. A more detailed description of this process is provided in Title 20 of the California Code of Regulations, Section 2501 et seq.¹

Parties must make a separate, written application to the Executive Director that specifies which that data within the body of all submitted material warrants a to which the confidential designation would pertain. Submittal of a document or electronic file bearing a "confidential" stamp will not suffice is insufficient. A formal application package is necessary.

~~An applicant can request confidentiality at any time. The Energy Commission strongly encourages filers to provide data and any confidentiality requests concurrently.~~ The following information items are needed by the Executive Director to make a confidentiality determination ~~process a request for confidential designation of specific data:~~

- 1) A printed cover letter bearing the following address:

B.B. Blevins, Executive Director
California Energy Commission

DOCKET

06-IEP-1F

DATE JAN 31 2007

RECD. FEB 01 2007

¹ Energy Commission regulations can be found at: <http://www.energy.ca.gov/2006publications/CEC-140-2006-001/CEC-140-2006-001.PDF>.

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- 2) The data. For this data request, the data must be submitted on a compact disc that bears the name of the TLSE and the following sub-docket number: **Docket #06-IEP-1F**.
- 3) A completed *Application for Confidential Designation* form, and
- 4) A signed and dated “penalty of perjury” certification printed on the TLSE’s letterhead containing the following paragraph, signature line, and signature:

“I certify under penalty of perjury that the information contained in this application for confidential designation is true, correct, and complete to the best of my knowledge. I also certify that I am authorized to make this application and certification on behalf of the applicant.”

Please note that the “penalty of perjury” certification is included in the *Application for Confidential Designation* form at the end of that form.

The four items listed above must be hand-delivered or mailed to the Executive Director’s office in a sealed package (or envelope) marked “Confidential.”

An *Application for Confidential Designation* form in portable document format (PDF) is provided within this publication as Appendix A. If, however, the applicant must create its own version of this form for any reason (for example, more space on the form is needed to provide a thorough response), then the applicant’s version of the application must duplicate the Energy Commission’s *Application* word for word.

| The *Application* submitted to the Executive Director ~~for rendering a decision~~ must contain the following information:

- 1) Identification of the information being submitted, including title, date, file size (for example, pages, sheets, MB), and sub-docket number;
- 2) Description of the data for which confidentiality is being requested;
- 3) Description of the length of time for which confidentiality is being sought, with an appropriate justification, for each confidential data category request;
- 4) Identification of applicable provisions of the California Public Records Act (Government Code Section 6250 *et seq.*), and/or other laws, for each confidential data category request;

- 5) A statement attesting either: (a) that the specific records to be withheld from public disclosure are exempt under provisions of the Government Code, or (b) that the public interest in non-disclosure of these particular facts clearly outweighs the public interest in disclosure; and
- 6) A statement that describes how each category of confidential data may be aggregated with other data for public disclosure.

Application packages deemed incomplete will not be reviewed by the Executive Director. Instead, incomplete application packages will be placed in a “suspense” file, and the filer will be notified by mail and by e-mail about the deficiencies in the application. The filer has 14 calendar days to correct the deficiencies and to deliver to the Executive Director replacement copies of the deficient cover letter, data (on compact disc and a printed copy), or complete *Application for Confidential Designation*, including the signed and dated “penalty of perjury” certification. If the Executive Director has not received the replacement copies after 14 calendar days from the date the letter was received, all information associated with the deficient application package will be deemed public information and docketed accordingly.

| Once an application package ~~is has been deemed~~ complete, the Executive Director of the Energy Commission has 30 days to decide on regarding the confidentiality request. Confidentiality determination letters are signed by the Executive Director. If the letter states that the Executive Director has determined that the submitted data does not warrant confidential designation, then the applicant has 14 calendar days to appeal the Executive Director’s decision.

More specific questions about confidentiality may be directed to Fernando DeLeon at [\[fdeleon@energy.state.ca.us\]](mailto:fdeleon@energy.state.ca.us) or (916) 654-4873.